

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION

CASE NO.: 2022-cv-20531-JAL

OMEGRA SHIPPING PTE
LTD OF SINGAPORE,

Plaintiff,

v.

WORLD FUEL SERVICES
(SINGAPORE)
PTE LTD,

Defendant.

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PLAINTIFF'S RESPONSE TO ORDER TO SHOW CAUSE

NOW COMES Plaintiff, Omega Shipping Pte Ltd. of Singapore ("Omega" or "Plaintiff") and responds as follows to this Court's June 9 paperless order (*Document 57*) asking the parties to show cause as to why the administrative stay the Court entered on February 6, 2023 (*Document 55*) should not be lifted:

1. This action arises from the sale of marine fuel by Defendant, World Fuel Services (Singapore) Pte Ltd ("WFS" or "Defendant"), to Omega, that was physically supplied and delivered to Omega by Sentek, and that that was off the specification agreed upon in the parties' contract. *Document 4*.

2. On February 6, 2023, this Court entered an amended order that (i) granted in part and denied in part WFS' Motion to Dismiss Plaintiff's Amended Complaint (*Document 16*); (ii) certified a question for interlocutory appeal following Defendant's Motion for Reconsideration and, Alternatively, Certification for Interlocutory Appeal (*Document 47*); and (iii) stayed and

administratively closed the case pending the decision of the United States Court of Appeals for the Eleventh Circuit regarding WFS' interlocutory appeal. (*Document 55.*)

3. On May 17, 2023, the United States Court of Appeals for the Eleventh Circuit denied WFS' petition for permission to appeal under 28 U.S.C. § 1292(b). *Exhibit 1 – USCA11 Case: 23-90004 Document Nos. 16-1 and 16-2.* Pursuant to 11th Cir. R. 27-2, WFS had 21 days – or until June 7, 2023 – to file a motion to reconsider, vacate, or modify the May 17 order. *See id.*

4. WFS did not file any such motion to reconsider, vacate, or modify the May 17 within the requisite time.

5. On June 9, 2023, this Court entered a paperless order affording the parties through June 16, 2023 to show cause why the stay of this case should not be lifted, and the case reopened. (*Document 57.*)

6. In response, Plaintiff submits that there is no reason why this Court should not lift the stay and reopen the case.

Dated: June 16, 2023

Respectfully submitted,

//S//Jonathan S. Cooper, Esq.//

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